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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,922	08/29/2002	Larry Hawkins	9D-HL-19723	2345

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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,922

Applicant(s)

HAWKINS ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. In view of Applicant's remarks filed March 7, 2006, the Final Rejection dated January 13, 2006 is hereby vacated in favor of the Final Rejection that follows.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Clarke (U. S. Pat. No. 1,772,207) or Roberts (U. S. Pat. No. 4,329,859) in view of either Germany'076 (Germany 1,958,076) or Bochan (U. S. Pat. No. 4,328,600).

Re claims 1 and 6, Clarke and Roberts are each cited disclosing a basket for a washing machine, an outer wall, at least one rib (49 in Clarke and 44 in Roberts) extending inwardly, said rib comprising at least a first portion having a first cross-section, and a second portion having a second cross-section, said second cross-section different from said first cross-section, said outer wall including a plurality of apertures there through, said apertures arranged in single aligned columns between adjacent ribs that differs from the claims only in the recitation of the rib extending from the outer wall.

Germany'076 (see fig. 6) and Bochan (see fig. 2) are each cited disclosing that is old and well known to provide a basket, which includes ribs that extend from an outer wall inwardly. It therefore would have been obvious to one having ordinary skill in the art to modify the ribs in either Clarke or Roberts, to be as taught by either Germany'076 or Bochan, for the purpose of providing for an easier and cost efficient manner of attaching

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the ribs to the basket. Re claims 4, 5, 8 and 9, to have the dimension to be as instantly claimed is deemed to be an obvious matter of design in view of the corresponding structure in either Clarke, Roberts, Germany'076 or Bochan (see MPEP 2144.04, IV).

2. Claims 10, 12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorn (U. S. Pat. No. 1,657,963) in view of either Germany'201 (Germany 33 17 201) or Bochan (U. S. Pat. No. 4,328,600) .

Re claims 10 and 19, Gorn is cited disclosing a cabinet which encloses a washing machine basket, with the basket comprising an outer wall and a plurality of vertically extending ribs (90) that differs from the claim only in the recitation of the ribs extending a distance of about 0.395 to about 1.5 inches and the rib extending from the outer wall. Germany'201 and Bochan are each cited disclosing the arrangement of a washing machine basket having ribs, where the ribs extend radially inwardly from an outer wall and Bochan also discloses the aligned column of apertures. It therefore would have been obvious to one having ordinary skill in the art to modify the ribs in either Gorn, to be as taught by either Germany'201 or Bochan, for the purpose of providing for an easier and cost efficient manner of attaching the ribs to the basket. As for the specific distance as claimed, the same is deemed to be of little patentable weight in view of the distances inherently taught by Gorn, Germany'201 or Bochan (see MPEP 2144.04, IV). Also note that Bochan discloses the apertures being arranged in single vertically aligned columns. To modify Gorn in view thereof, would have been obvious to one having ordinary skill in the art since this is considered to nothing more than a rearrangement or parts (MPEP 2144.01, VI). Re claims 13 and 15, Gorn discloses the triangularly shaped

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and flared ribs. Re claim 16, Gorn discloses all of the claimed subject matter as noted above and further disclose the first and second tangential widths that differs from the claims only in the recitation of the ribs extending from the outer wall. Germany'210 and Bochan are therefore cited as applied above. Re claim 17, the distances as claimed is of not patentable significance in view of the corresponding structure in the applied prior art (see MPEP 2144.04, IV). Re claim 18, Gorn discloses the triangular shape. Re claim 20, no patentable distinction is deemed to exist between the distance as claimed and the corresponding distance as taught by Gorn, Germany'210 or Bochan.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 10 above, and further in view of Pecker (U. S. Pat. No. 2,056,888).

Claim 11 defines over Gorn only in the recitation of the flared aperture. Pecker discloses the flared aperture as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the aperture of Gorn, to be as taught by Pecker, for the purpose of guiding the removing liquid from the basket.

4. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorn in view Josselyn (U. S. Pat. No. 913,506).

Claim 13 defines over the applied prior art only in the recitation of support band. The patent to Josselyn is cited disclosing in washing machine, the arrangement of providing a basket with a support band extending from a first side to a second side as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify

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basket in either Gorn, to include a support band as taught by Josselyn, for the purpose of supporting the basket during the spinning thereof.

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japan'300, Robinson, Fleischer, Richardson, Germany'435, Cleveland, Iskyan et al., Beldam, Adamczyk, and Germany'780

7. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. However, in regard to the withdrawal of the election of species, please note that applicant will be given consideration of the claimed subject matter upon the allowance of a generic independent claim.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls


FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746